



COURT OF APPEALS OF GEORGIA

January 1, 2016

INTERNAL OPERATIONS MANUAL

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I. DUTIES OF JUDGES AND CLERK/COURT ADMINISTRATOR

A. CHIEF JUDGE

1. The Chief Judge shall be chosen by the judges of the Court for a term of two years; and thereafter, automatic rotation of the office of the Chief Judge among the members of the Court shall be based on seniority of service on the Court of Appeals. If a vacancy occurs for any reason, a successor shall be chosen promptly and his/her term shall begin as of the date of such selection. In the event a judge leaves the Court for any reason, his/her successor on the Court shall not stand in his/her stead of priority in serving as Chief Judge, but the successor goes to the bottom of the list as junior judge. A judge on becoming eligible for selection as Chief Judge may waive all or any part of the term to which he/she is entitled.
 - a. Oath of Chief Judge, Court of Appeals of Georgia:

I, (state your name), do solemnly swear that I will administer justice without respect to persons and do equal right to the poor and the rich, and that I will faithfully and impartially discharge and perform all duties incumbent upon me as Chief Judge of the Court of Appeals of Georgia under the Constitution and laws of the United States and the State of Georgia. So help me God.
2. If the Chief Judge is absent or otherwise unable to discharge his/her duties, the judge next in the line of succession for Chief Judge (“Vice Chief”) is authorized to perform any emergency or otherwise urgently required duty of the Chief Judge pending his/her return to duty.
3. The Chief Judge is responsible for the administration of the Court and the dispatch of its business. The Chief Judge:
 - a. Assigns judges to different divisions once a year.
 - b. Designates the Presiding Judge of each division.
 - c. Ensures that major policies and procedures for the operation of the Court have been established by a majority vote of the judges thereof, and acts within the scope of such authority.
 - d. Presides at meetings of the Executive Council and when the Court is en banc, and shall prepare and distribute a written agenda for the Court the day prior to the meeting.
 - e. Supervises fiscal affairs, accounting, planning, preparation, and presentation of the budgets; and renders financial reports to the Court and required agencies.

- f. Initiates policies concerning the Court's internal operations and its position on external matters affecting the Court.
- g. Appoints standing and special committees to aid in the administration of the Court.
- h. Represents the Court in its relations with the Supreme Court, other agencies of government, the bar, general public, news media, and ceremonial functions.
- i. Supervises preparation of an annual statistical analysis report reflecting caseload of the Court, and such other periodic reports deemed necessary by the Court.
- j. Performs such other administrative duties as may be required and which are not otherwise provided for by law or rule.

B. VICE CHIEF

- 1. The judge in charge of the clerk's office and central staff shall be the Vice Chief.
- 2. The Vice Chief shall be responsible for personnel matters as set forth in section III. Other Personnel Matters.
- 3. The Vice Chief and the Court Personnel Committee shall be responsible for hearing appeals from clerk's office personnel pursuant to disciplinary action taken against such personnel by the Clerk/Court Administrator under the clerk's office policies and procedures manual.
- 4. The Vice Chief shall also be responsible for any duties delegated by the Chief Judge.

C. EXECUTIVE COUNCIL

- 1. The Executive Council shall be composed of the Chief Judge, the Vice Chief, the judge second in line to be Chief Judge, the immediate past Chief Judge, and the senior most Presiding Judge who has previously served as a Chief Judge. The Executive Council shall act on all matters referred to the Chief Judge and Council as provided by committee assignments.
- 2. If not otherwise provided, the Executive Council shall determine which administrative matters should be presented to the full Court.
- 3. The Executive Council advises and counsels the Chief Judge on matters relating to the Court.
- 4. If a tie vote occurs on a matter under consideration by the Chief Judge and Executive Council, the matter shall be referred to the full Court.

5. Purchases of \$1,000 or more shall be submitted to the Executive Council for consideration and approval. However, the Clerk/Court Administrator can approve purchases of Information Technology items and general office supplies such as paper, file folders, postage, etc. up to \$1,500.

D. BUDGET COMMITTEE

The Chief Judge presides over the Budget Committee which is comprised of the Chief Judge, the immediate past Chief Judge, the Vice Chief, the Clerk/Court Administrator, and the Fiscal Officer. The Budget Committee:

1. Conducts such internal or external audits as deemed necessary.
2. Prepares responses to audits, if necessary, for consideration of the Court and signature of the Chief Judge.
3. Makes all budget reports and recommendations directly to the full Court.

E. CLERK/COURT ADMINISTRATOR

1. The Clerk/Court Administrator shall be responsible for the general oversight of operation of the clerk's office in consultation with Vice Chief to include:
 - a. Planning for layout, work flow, more efficient equipment, and future requirements projected for the Court.
 - b. Determining the appropriate number of persons needed for the most efficient and economical operation of the clerk's office.
 - c. Resolving matters of personnel discipline, termination of employment, and employment of replacement personnel. Proposed personnel actions pertaining to the Clerk/Court Administrator shall be presented to the Court en banc. No employee of the Court (other than Staff Attorneys and Administrative Assistants who work in a judge's chambers) with 15-years service, or more, shall be involuntarily separated without approval of a majority of the judges on the Court.
 - d. Recommending personnel salary changes for clerk's office personnel. Whenever the Clerk/Court Administrator believes a salary adjustment is appropriate, the Clerk/Court Administrator will prepare a memorandum to the judge in charge of the clerk's office setting out the individual's work history and salary history with the Court. The memorandum will also state the salary adjustment and its basis and include, from the Fiscal Officer, a work, salary and leave history and a fiscal note stating whether the raise was within budget and from what source the money would come. The Clerk/Court Administrator will circulate a copy of the memorandum to

all judges in the Clerk/Court Administrator's report prior to the en banc meeting. The judge in charge of the clerk's office will offer a recommendation to the judges as to the approval or disapproval of such requested action.

- e. Determining that all personnel are sufficiently trained to perform their assigned duties and that the Clerk/Court Administrator is sufficiently knowledgeable with every operation of the office to the extent that he/she could perform such functions in the absence of an employee or in an emergency.
 - f. Ensuring office personnel adhere to all written rules, procedures, policies and laws, particularly the office policies of the clerk's office (a copy of which is in the clerk's office and the fiscal office and incorporated herein by reference).
 - g. Receiving and acting on all complaints from judges, attorneys, or other persons having contact with the clerk's office.
 - h. Assigning floating administrative assistants in accordance with the floater assignment policy.
 - i. Receiving and acting on all requests for reservations for the conference room, courtroom and the banc room. The Clerk/Court Administrator shall maintain a court calendar to notify the Court of scheduling matters.
 - j. With the approval of Vice Chief, the Clerk/Court Administrator may delegate any of these responsibilities.
2. The Clerk/Court Administrator serves as en banc secretary.
- a. Prepares minutes and the submission of the minutes to the Chief Judge who will preliminarily check the minutes for correctness and return them to the clerk/court administrator. Copies of the proposed minutes will then be sent to each judge prior to the next scheduled meeting.
 - b. The minutes will be presented to the next en banc and after approval by majority vote of the judges of the Court of Appeals shall be placed in the En Banc Minute Book.
 - c. Keeps the Official Minute book, which shall consist of all minutes of all meetings after they are approved at the following meeting. Minutes shall be summaries of discussions.
3. The Clerk/Court Administrator has responsibility for the historical records of the Court.
- a. Prepares and maintains records, images, news stories, and documents of a historical nature pertaining to the Court.

- b. Prepares and revises as necessary a brochure to include a narrative history, list of past judges, and images and biographies of judges presently on the Court.
 - c. Searches for and obtains old group images of judges and places them in a room or area designated by the Court en banc.
 - d. Keeps an administrative orders file including court rules and the history and operations of the Court.
4. The Clerk/Court Administrator periodically examines all fiscal office records to ensure that postings are current and accurate. Also, examines records to ensure that files regarding expenditures contain the required supporting documentation.
5. The Clerk/Court Administrator periodically prepares proposed supplements to the Internal Operations Manual for improvements to court operations for en banc consideration. These proposed supplements may be related to any operation of the Court, budget, personnel, court rules, court processes, etc.
6. The Clerk/Court Administrator, as time and money permit, will convert all filings with the Clerk's office from paper to electronic format. This conversion includes general correspondence files, emergency motion files and records, applications for interlocutory and discretionary appeals, direct appeals, etc.
7. The Clerk/Court Administrator shall be responsible for drafting any proposed amendments to legislation as directed by the judge in charge of legislation as well as adopting a procedure to facilitate I.E.2., Legislation.
8. The Clerk/Court Administrator projects and prepares plans for:
- a. Renovation of existing space when needed.
 - b. Future space requirements.
 - c. Future judicial and support personnel.
 - d. Extensive renovation or replacement of furniture and equipment requiring a special budgetary request.
10. The Clerk/Court Administrator prepares cost estimates to effectuate plans the full Court believes should be actively pursued.

F. LEGISLATION

The judge designated by the Chief Judge as the judge in charge of legislation is responsible for the following:

1. Keeping current with and explaining all bills in a timely fashion that should be brought to the attention of the full Court.
2. Maintaining a file on laws or code sections that are called to his/her attention as being in conflict by other members of the Court, such as those which contain typographical errors, are incomprehensible, or otherwise in need of revision, as discovered in preparation of opinions.
3. Prior to each session of the Legislature, discussing with the full Court those laws that should be brought to the attention of appropriate legislators.

G. EMERGENCY MOTIONS JUDGE

1. Before the first day of each year, the Clerk/Court Administrator shall send to all judges a schedule for each judge to serve as Emergency Motions Judge for one month, beginning with the senior most judge in terms of service on this Court and extending through the next thirteen months by descending order of seniority of the judges. The Chief Judge and Vice Chief shall be exempt from service as Emergency Motions Judge during his/her service in those positions.
2. All judges should recognize the importance of their periodic service as Emergency Motions Judge and take steps to ensure their availability during their time of service or make appropriate arrangements through their own staffs or with the next judge in rotation to discharge this responsibility. The details of any such arrangements shall be immediately communicated to the clerk's office.
3. The judge designated as the Emergency Motions Judge is authorized to handle on an ex parte and immediate manner those matters of urgency in which there is no pending case. Included in such category are:
 - a. Applications for stay.
 - b. Motions for extension of time that have become an emergency through no fault or neglect of the petitioner.
 - c. Other motions of a similar nature.

4. If doubt exists as to whether a particular motion should be handled as an emergency, the clerk's office shall immediately cause the material to be delivered to the Emergency Motions Judge for decision.
5. If an emergency motion is filed, the clerk's office shall immediately docket the motion and alert the Emergency Motions Judge.
6. Timely disposition of emergency motions shall always take priority over scrupulous adherence to the order of rotation of emergency duty among judges and over strict application of these procedures. The Clerk/Court Administrator is authorized, in his or her discretion, to find any judge available to act on an emergency motion when necessary to depart from these procedures to ensure timely disposition of a pending emergency motion.
7. Orders issued by the Court in response to emergency motions are on the docket. Also, such orders from 1996 to the present are on the "K" drive under "1-SCANNED RECORDS" in searchable .pdf format.
8. In high profile cases, as determined in the discretion of the Emergency Motions judge (i.e., death penalty, etc.), the Emergency Motions judge shall direct the Clerk/Court Administrator to alert the Court that such motion has been filed.
9. If an emergency motion is filed in a case ancillary to a death penalty case, the Clerk/Court Administrator will make the necessary arrangements for the entire division on which the Emergency Motions judge sits to vote on the motion.
10. If the Emergency Motions judge rules on a motion in a complex case, the Emergency Motions judge is encouraged to notify the panel to which the case is eventually assigned so that the panel can consult with the Emergency Motions judge if needed.

H. RULES OF THE COURT

The Chief Judge shall designate a judge who will be in charge of the rules of the Court ("Rules Chairperson") as follows:

1. Along with the Clerk/Court Administrator, the Rules Chairperson drafts new and revised rules of Court and presents proposed additions and amendments to the Court en banc.
 - a. The Clerk/Court Administrator shall maintain a file of proposed rules to be considered at the next revision.
 - b. The Clerk/Court Administrator shall review rules of other courts with view of improving our own.

2. The Rules Chairperson proposes any new or revised rule to the Chief Judge and Executive Council that is of such urgent nature that cannot await next formal revision. If deemed meritorious, the Chief Judge will present it to the Court en banc or distribute to each judge for a vote.
3. After new or revised rules are approved by the Court, the Clerk/Court Administrator shall send an electronic copy to:
 - a. The Reporter's Office for publication in the advance sheets.
 - b. The Information Technology staff for publication on the Court website.

I. INTERNAL OPERATIONS MANUAL

The Clerk/Court Administrator shall keep the Court's internal operations manual current by:

1. Reviewing all previous minutes of the Court.
2. Reviewing constitutional or statutory enactments that could be construed to pertain to the internal operation of the Court.
3. Reviewing similar rules and manuals of other courts, bar associations, and other legal organizations for new ideas to improve the operation of this Court.
4. Circulating to the Court any proposed revisions to the IOM and incorporating into the IOM those revisions that receive a majority vote of the Court.

II. ADMINISTRATIVE ASSIGNMENTS FOR JUDGES AND CLERK/COURT ADMINISTRATOR

- A. All administrative duties of any judge may be delegated in whole or in part to the Clerk/Court Administrator, upon approval by the Chief Judge.

- B. All ad hoc assignments for the Clerk/Court Administrator shall first be cleared through the Chief Judge.

III. OTHER PERSONNEL MATTERS

A. DUTIES OF CENTRAL STAFF ATTORNEYS

Central staff attorneys work for the Court as a whole rather than for an individual judge. They have four main functions – reviewing all direct appeals to determine whether the Court has jurisdiction to hear them, preparing memoranda recommending whether to grant or deny applications for interlocutory and discretionary appeals, consulting with other court personnel on jurisdictional questions, and filling in for in-chambers attorneys on extended leave or when otherwise directed to do so by the Vice Chief.

1. Direct Appeals

Central staff attorneys review each direct appeal to determine whether it was timely filed, within the subject matter jurisdiction of the Court of Appeals, from an order or judgment that is appealable of right (not subject to procedures for discretionary review) and ripe for appeal (from a final order or judgment unless specifically excepted from the procedures for interlocutory review). For all cases, the reviewing central staff attorney prepares a jurisdictional review summary, noting whether the appeal falls into a category designated for expedited treatment. When a case fails to meet these jurisdictional criteria, the reviewing central staff attorney drafts an order dismissing the case or transferring it to the Supreme Court, as appropriate.

2. Applications for Interlocutory and Discretionary Appeals

Central staff attorneys review each application for interlocutory and discretionary appeal to ensure that the application is both timely and jurisdictionally proper. If not, the assigned central staff attorney prepares an order that dismisses or transfers the application, as required. If an application passes the initial screening, the central staff attorney reviews the application and its supporting materials. If the attorney determines that the applicant has failed to adequately support the application with evidentiary materials, the attorney prepares a memorandum recommending denying the application.

If an application is proper jurisdictionally and procedurally and is adequately supported, the assigned central staff attorney researches the applicable legal issues and prepares a memorandum recommending whether the Court grant or deny the application on its merits.

The memorandum is prepared by (and in the name of) the central staff attorney and directed to all judges on the assigned panel. The memorandum circulates first to the judge to whom the application is assigned as a first reader and then to the remaining judges of the panel in seniority order. Once the panel decides whether to grant or deny the application, a form order is then issued. The order granting or denying a discretionary application must be issued in 30 days and the order granting or denying an interlocutory application must be issued in 45 days. OCGA §§ 5-6-35 (f); 5-6-34 (b).

The central staff attorney who prepared the original memorandum is responsible for reviewing any motion for reconsideration and for preparing a brief memorandum to the assigned judge recommending whether the motion should be granted or denied.

3 Consulting on Jurisdictional Issues

Central staff attorneys field questions from judges, in-chambers staff attorneys, and clerk's office employees regarding jurisdictional issues that may arise in matters before them. If motions to dismiss are filed after an appeal has been docketed, central staff attorneys often research the merits of such motion and, if dismissal is warranted, may draft an appropriate order.

4. Floating Central Staff Attorneys

Central staff attorneys fill in for in-chambers staff attorneys on extended absences, such as maternity leave or extended sick leave, or when otherwise directed by the Vice Chief. Central staff attorneys perform all the functions of the in-chambers attorney, primarily writing opinions.

5. Administrative Matters

a. Leave Requests.

The Vice Chief will decide when central staff attorneys may take leave. That judge will also examine their attendance records.

b. Assignment to Judges' Offices

The Vice Chief shall schedule the assignments of the floating central staff attorneys to the judges' offices.

c. Telecommuting

Telecommuting is generally available to central staff attorneys with the approval of the Vice Chief. However, central staff attorneys are not eligible for telecommuting during their first six months of employment with the Court.

6. Opinion Drafting

With the approval of the Vice Chief, central staff attorneys may draft opinions for judges of the Court on an as needed basis.

B. DUTIES OF FLOATING ADMINISTRATIVE ASSISTANTS

1. A floating administrative assistant will be assigned to the Office of the Chief Judge on the following basis:
 - a. The Chief Judge may have a floating administrative assistant assigned to his/her office on a permanent basis during the term of service as Chief Judge of this Court.
 - b. On days when the Chief Judge does not utilize the services of the floating administrative assistant assigned to his/her office, the floating administrative assistant will report to the Clerk/Court Administrator for assignment in the floater pool or as otherwise directed by the Clerk/Court Administrator.
 - c. If the floating administrative assistant assigned to the Chief Judge completes all tasks and duties assigned by the Chief Judge to the floating administrative assistant before the end of the day, then the floating administrative assistant will report to the clerk's office for assignment by the Clerk/Court Administrator.
 - d. Regardless of the chambers to which the floating administrative assistant has been assigned, assuring that all judges' cases are circulating should be given priority over any other tasks.
2. Floating administrative assistants will be assigned to other judges' offices on the following priority basis:
 - a. A judge who will be without an administrative assistant takes precedence over a judge who wants a floating administrative assistant to assist an administrative assistant.
 - b. If two or more judges seek the assistance of a floating administrative assistant and each judge will be without an administrative assistant, then the judge who requests first will have priority over the judges requesting later. Requests received simultaneously will be assigned based on seniority.
 - c. If two or more judges seek the assistance of a floating administrative assistant to assist an administrative assistant, then the judge who requests first will have priority over the judges requesting later. The floating administrative assistant will be available to provide assistance to the other judges as approved by the first judge.
 - d. If a judge has an emergency situation which will require the use of the judge's administrative assistant as well as a floating administrative assistant, that judge may request of the judge who has requested a floating administrative assistant and who is without an administrative assistant that the judge release the floating administrative assistant to the judge whose administrative assistant is present but has a dire emergency.
 - e. If any floating administrative assistant is not assigned to a particular judge on any day, the Clerk/Court Administrator shall assign the floating administrative assistant in accordance

with requests received in the clerk's office on that day. If any floating administrative assistant remains unassigned after all requests have been filled, said administrative assistant shall be assigned by the Clerk/Court Administrator to a task in the clerk's office.

C. COURT FLOWER FUND

The Court shall create a flower fund to provide funds for an appropriate expression of sympathy, joy, congratulations or recognition of achievement on certain occasions involving court personnel.

1. Funding. The Clerk/Court Administrator shall invoice and collect from each Judge on the Court an appropriate contribution each year to continue to fund the existing Court Flower Fund. The Court may assess other contributions to the fund, by majority vote, as the Court may deem appropriate. In no event shall the annual contribution exceed \$150 per judge. Whenever the balance of the fund shall exceed \$750, the minimum yearly contribution shall be stayed.
2. Application. The Clerk/Court Administrator shall use the fund to purchase flowers in the event of the death of: presently-serving and prior judges of the Court; employees of the Court; and family members of presently-serving judges. The Clerk/Court Administrator has discretion to determine whether to send flowers in the event of the death of a former employee of the Court or the death of an immediate family member of either a Court employee or a prior judge of the Court.
3. Administration. The Clerk/Court Administrator is responsible for sending flowers as set forth herein.

D. INTERNAL NOTICE OF RETIREMENTS, RESIGNATIONS AND TERMINATIONS

The Fiscal Officer shall notify information technology staff of the retirement, resignation or termination of an employee so that the employee's password to access the Court's computer system can be immediately deactivated.

On the next business day after an employee retires, resigns or is terminated, the Fiscal Officer will notify all judges and Court employees by email that the employee's employment with the Court has ended.

IV. JUDGES' RETIREMENT PRESENTATIONS

A. PRESENTATION

A plaque with the judge's name and appropriate inscription shall be presented by the Court to the retiring judge.

B. COURT TRIBUTE

There shall be a Court Tribute, i.e., a live presentation in the courtroom, on or near the day of retirement.

C. PORTRAITS

1. Upon retirement from this Court, any judge who has served as Chief Judge of this Court shall have his/her portrait hung in the courtroom. The cost of the portrait shall be borne by the Court (not to exceed \$12,000 for portrait and frame) , but the judges and family are encouraged to seek private funding for the portrait in full or in part. As used in this provision, the word “retirement” shall mean the departure from service as an active judge after having served as Chief Judge of this Court.
2. The portrait shall remain in the courtroom until it is retired to the hall or appropriate State institution. At the time of the retirement of the portrait, if it has been purchased with private funds, it will be offered to the family. If the portrait has been purchased with State funds, it will be offered for purchase to the family at the cost of the portrait to the State. The judge in charge of portraits in consultation with the rest of the Court will determine the appropriate number of portraits for the courtroom, the byway and the hallway.
3. For as long as the Court is located in the State Judicial Building across the street from the Capitol, there shall be fourteen portrait positions, as indicated on Appendix 6, with a permanent number assigned to each position, as determined by the Chief Judge. Portraits will be hung in reverse order of the date of retirement, so that the portraits of the most recently retired judges will be displayed closest to the bench and the front of the courtroom. Using the position numbers from Appendix 6, the number 1 position shall be for the portrait of the most recently retired judge, and the display will move down the order of retirement through position number 14, which shall be for the portrait of the judge who retired earliest among those whose portraits are displayed within the courtroom. As new portraits are displayed, a portrait of the number 14 position which is to be moved outside the courtroom shall be displayed at a place in the hallway of the Court as the then sitting judges shall determine. If and when the Court moves to another building, the Executive Council will determine the placement of these portraits.
4. Portrait sizes including frame should be approximately 38” (w) x 48” (h). The wire should be approximately 5” from the top of the frame.

V. PROTOCOL AT BAR ADMISSION CEREMONIES AND OTHER PUBLIC OCCASIONS

- A. Jointly with the Supreme Court, the Chief Judge and the Clerk/Court Administrator will establish protocol for the introduction of the judges and justices on festive occasions by way of a letter advising of proper protocol for introductions. The letter, prepared by the clerks of the two courts, shall be sent as invitations are received to particular functions such as bar admission ceremonies, retirement tributes, memorials for deceased judges, state bar meetings, and other public affairs.

- B. A memorial shall be published in the Georgia Appeals Reports for any judge who has served on the Court. However, unlike for retirement ceremonies, there will not be a live tribute in the courtroom for memorial presentations. The Chief Judge will appoint a committee to prepare the memorial and approve the final committee report prior to publication in the Georgia Appeals Report.

- C. There shall be only one memorial per bound volume of the Georgia Appeals Reports.

VI. LIABILITY COVERAGE

A. BONDING OF COURT EMPLOYEES

A blanket fidelity insurance policy covers all employees and judges of the Court of Appeals for claims outside the Georgia Torts Claims Act.

B. STATE TORTS CLAIMS POLICY

A single liability insurance policy covers claims against the State of Georgia caused by the tort of any state officer or employee committed while acting within the scope of his or her official duties or employment. The limits of liability for this coverage are \$1,000,000 per person and \$3,000,000 aggregate per occurrence.

C. GENERAL LIABILITY COVERAGE

A single liability insurance policy covers each employee and each judge on the Court for a tort committed while acting within the scope of their official duties or employment when the employee or judge is sued in his or her individual capacity outside of the Georgia Tort Claims Act. The limits of liability are \$1,000,000 per person and \$3,000,000 aggregate per occurrence.

D. ADDITIONAL COVERAGE

The Court of Appeals shall obtain insurance for state-owned property. All risk coverage for mobile or transit state-owned property shall be obtained through the Department of Administrative Services.

VII. EQUIPMENT INVENTORY

- A. An inventory of the stated-owned equipment and furnishings of every office in the Court of Appeals shall be kept by the fiscal officer, with a copy available to each judge upon request. The inventory shall be updated upon purchase/receipt of any additional property, transfer of any property between offices, or when property is disposed of. The inventory shall contain state property inventory numbers which shall be cross-referenced to the property's location.

- B. Annually, at a time determined by the Fiscal Officer: each judge must verify and sign the inventory list for that judge's office; the Vice Chief must verify and sign the inventory list for Central Staff offices; the Fiscal Officer must verify and sign the inventory list for all offices in the fiscal department; the chief of information technology must verify and sign for information technology equipment, and; the Clerk/Court Administrator must verify and sign for the inventory in all the Clerk's office space.

- C. It is the general policy of this Court that equipment and furnishings will not be transferred between any offices in this Court. However, whenever it is agreed upon between the affected judges that equipment or furnishings should be transferred from one of their offices to the other, such transfer will be accompanied by the appropriate inventory transfer form and that form must be delivered to the Fiscal Officer. The form must be signed by a representative of all of the offices involved in the transfer.

- D. This section shall not apply to computers and other technical hardware which may, from time to time, be replaced or transferred by the information technology staff.

(See Appendix 1.)

VIII. POLICY MATTERS AFFECTING BOTH APPELLATE COURTS

- A. Prior to the introduction thereof, the Court of Appeals will notify the Supreme Court and discuss any legislation which the Court of Appeals is considering introducing in the Georgia General Assembly.

- B. Prior to making any adjustment in the salary scales of Court of Appeals personnel, the Court of Appeals will confer with the Supreme Court and make a diligent effort to reach agreement to keep the pay of various positions in parity with each other.

- C. Prior to making any change in the Rules of the Court of Appeals, the Court of Appeals will confer with the Supreme Court.

IX. MEDIA COVERAGE OF COURT PROCEEDINGS

- A. The Clerk/Court Administrator shall serve as the public information officer for the Court and shall disseminate any news articles relating to the Court or press releases as deemed appropriate by the Court.

- B. News coverage in the courtroom via audio and visual recording and transmitting equipment shall be allowed in the courtroom pursuant to the Court's media policy as announced on the Court's website.

- C. If any Court personnel is contacted by any news media representative, that fact should be referred to the Clerk/Court Administrator who shall contact the news media representative, ascertain what information is sought by the news media and communicate that fact to an individual judge, all of the judges on the Court, or Chief Judge, as appropriate. After the notified judges have made the decision regarding the course of action, the Clerk/Court Administrator will then appropriately advise the news media.

X. INQUIRIES REGARDING CASES

- A. Any inquiry from the media, a litigant, attorney, witness, or party to a case, including but not limited to inquiries regarding the status of the case or to whom the case has been assigned, shall be referred to the Clerk/Court Administrator of the Court.

- B. All communications with the lower court clerk's office should be made by the Clerk/Court Administrator's office.

XI. TRAVEL/DUES POLICY

- A. Judges will be reimbursed for travel expenses in accordance with state-wide travel regulations, except as OCGA § 45-7-20 may otherwise control. The Court recognizes there is a need for continuing judicial education. To that end, judges should actively participate as members of professional organizations, lecturers, writers, and students and contribute, wherever possible, to the improvements of the legal profession and the administration of justice through independent and bar related conferences and associations.
1. At the beginning of each fiscal year, each judge shall be allocated \$5,000 ~~\$4,000~~ from the Court's annual travel budget for court-related travel in or out of the state and for dues to professional organizations. The Chief Judge, in light of that judge's additional administrative duties, shall be allocated \$6,000 from the annual travel budget. The remainder of the travel budget shall be reserved for the general travel fund
 2. Each judge may use his/her share of the Court's travel budget for dues of professional organizations at the discretion of such judge. A judge shall complete the form in Appendix 4 to authorize payment of membership dues to professional organizations.
 3. Any judge who wishes to utilize travel funds in excess of his/her share must request additional monies from the general travel fund. Such request must be made to the Executive Council, and the Executive Council may approve or disapprove such request.
 4. Any travel funds not utilized by an individual judge shall lapse into the general travel fund. Any judge may direct all or part of his/her share of the travel funds to the general travel fund or to another judge on the Court.
 5. Judges shall be subject to state travel regulations except they may claim actual expenses for meal and lodging reimbursements in accordance with OCGA § 45-7-20. However, claiming actual expenses for meals (as opposed to a per diem allowance) requires a detailed meal receipt.
- B. All employees and Court personnel, other than judges (who are set forth in section A above), shall be subject to the state-wide travel regulations. Any approved travel for non-judicial personnel of the Court shall be reimbursed out of the general travel fund.
- C. The Fiscal Officer shall carefully review all travel expense statements of judges and other Court personnel to ascertain if such travel expense statements are in conformity with Court travel policy and the state-wide travel regulations.

If the judge submitting a request for reimbursement and the Fiscal Officer cannot agree upon the interpretation of the Court travel policy, then the matter shall be submitted to the Executive Council for final resolution.

- D. If a Judge resides 50 miles or more from the judicial building in Atlanta, such Judge shall receive a mileage allowance for the use of a personal motor vehicle when devoted to official business as provided in OCGA § 50-19-7, for not more than one round trip per calendar week to and from the Judge's residence and the judicial building in Atlanta, by the most practical route, during each regular and extraordinary session of court.
- E. Effective January 1, 2016 (HB 279), “[i]f a Judge resides 50 miles or more from the judicial building in Atlanta, such Judge shall also receive the same daily expense allowance as members of the General Assembly receive, as set forth in Code Section 28-1-8, for not more than 30 days during each term of court. Such days shall be utilized only when official court business is being conducted. All allowances provided for in this paragraph shall be paid upon the submission of proper vouchers.” Judges shall receive this daily expense allowance only when conducting official Court business in the Judicial Building in Atlanta.

XII. PROCEDURE FOR HANDLING APPLICATIONS FOR DISCRETIONARY APPEAL

- A. Discretionary applications shall be granted on the vote of one judge (even on motion for reconsideration); such applications will be circulated only if the judge to whom the application is assigned as first reader votes to deny it. If the assigned judge does not grant the application and it is circulated to the panel and either of those two judges is unavailable on the day the application is due, the application will be circulated to another judge on the Court. The application is granted as soon as one judge votes to grant the application.

- B. Granted applications which come back to the Court via filing of a Notice of Appeal shall be assigned randomly by the Court's automated docketing system as any other direct appeal.

- C. The division to whom the application was assigned may consider motions for reconsideration of applications for discretionary appeals that are filed within ten days from the entry of the Court's order denying or granting the application for discretionary appeal.

- D. The application shall be dismissed rather than denied when the Court lacks jurisdiction (e.g., the application is untimely).

- E. Cases involving petitions for adoption are directly appealable, whether or not a termination of parental rights was involved.

- F. If a judge votes against the recommendation of the Central Staff attorney who prepared the memorandum, such judge is encouraged to provide an explanation of his or her vote as an addendum to the memorandum.

XIII. PROCEDURE FOR HANDLING APPLICATIONS FOR INTERLOCUTORY APPEALS

- A. Interlocutory applications shall be granted on the vote of one judge (even on motion for reconsideration); such applications will be circulated only if the judge to whom the application is assigned as first reader votes to deny it. If the assigned judge does not grant the application and it is circulated to the panel and either of those two judges is unavailable on the day the application is due, the application will be circulated to another judge on the Court. The application is granted as soon as one judge votes to grant the application.

- B. Granted applications which come back to the Court via filing of a Notice of Appeal shall be assigned randomly by the Court's automated docketing system as any other direct appeal.

- C. The division to whom the application was assigned may review a motion for reconsideration which is filed within ten days from the entry of the Court order granting or denying the application for interlocutory appeal.

- D. The application shall be dismissed rather than denied when the Court lacks jurisdiction (e.g., the application is untimely)

- E. Regarding the timeliness of the filing of an interlocutory appeal application, the file-stamped date of the Certificate of Immediate Review controls.

- F. If a judge votes against the recommendation of the Central Staff attorney who prepared the memorandum, such judge is encouraged to provide an explanation of his or her vote as an addendum to the memorandum.

XIV. SUPERSEDEAS BOND

A. CRIMINAL CASES

1. Where the defendant is in prison during appeal, that appeal should be expedited according to OCGA § 5-6-43 (c). It shall be the duty of the trial clerk and/or appellant to notify the Court of incarceration of the appellant. See Expediting Cases section for a complete list of cases to be expedited.
2. Where the defendant files a Notice of Appeal on the issue of the denial of a supersedeas bond, the judge to whom the case is assigned has the option to require shorter time for briefing, expediting the transmission of the transcript, or ruling instant.

B. CIVIL CASES

In civil cases, the Notice of Appeal shall serve as supersedeas upon payment of all costs in the trial Court. OCGA § 5-6-46. Upon motion by the appellee, however, the trial court shall require after notice and hearing that supersedeas bond or other form of security be filed in an amount and under conditions determined by the trial court. *Id.* See also Court of Appeals Rule 40. Whether the motion is denied in the trial court or initially made here, the Court of Appeals will order that the trial court require supersedeas bond in an amount and under conditions determined by the trial court after hearing. Jurisdiction of the appeal will not be affected. Unless accompanied by a supersedeas bond, all applications for stay are to be denied in civil cases wherein application for certiorari to the Supreme Court of the United States has been made.

XV. CASE MANAGEMENT

A. COURT RECORDS

Except as specifically authorized by the Clerk/Court Administrator, all other Court personnel, clerk's office included, must check out records from the records clerk or acting records clerk. At the discretion of each judge, briefs and draft opinions may be taken out by judges or their specific designees.

B. DOCKETING

Upon docketing, a docketing summary shall immediately be sent by the clerk's office to the assigned judge via e-mail notification. Cases should be docketed within twenty-four hours of receipt by the clerk's office.

C. PANEL LIST

A list of monthly cases is generated for each panel and available for printing on the docket system after the docket is closed for each month.

D. ORAL ARGUMENT - COURT CALENDAR

1. A timely request for oral argument shall be granted on the vote of one judge; such request shall be circulated to the panel only if the judge to whom the case is assigned votes to deny it.
2. An out-of-time request for oral argument shall be granted or denied upon the vote of the judge to whom the case is assigned. An out-of-time request to argue shall not be circulated to the panel.
3. The Court shall produce a calendar of the cases set for oral argument to be mailed to the attorneys and/or pro se parties 14 days before oral argument. The Court shall also produce a bench docket containing the case numbers, attorneys, the lower court judge and lower court county. The docket shall be maintained in the clerk's office and shall be brought into the Courtroom during oral arguments.
4. The Clerk/Court Administrator shall cause each oral argument to be recorded. Once resources are available, the Clerk/Court Administrator shall make arrangements to livestream the audio recording. The Clerk/Court Administrator shall ensure the docket indicates that the Court heard oral argument on the appeal. The audio recording of the oral argument shall be maintained until the remittitur issues on the particular appeal at which time the Clerk/Court Administrator may destroy or record other arguments over that recording. The Clerk/Court Administrator may charge for copies of oral argument audio.

5. The Presiding Judge shall determine the time, date and location of the oral argument. While the Court supports conducting oral arguments outside of the Courthouse throughout the state, the Court also recognizes that there are costs associated with such arrangements. Accordingly, each division is encouraged to limit itself to one offsite oral argument per year. If more offsite oral arguments are desired, the division should consult with the Chief Judge and the Clerk/Court Administrator.
6. The Presiding Judge has the discretion to conference a case following oral argument and such conferencing is encouraged.
7. The panel may conduct a preliminary vote following oral argument.

E. DOCKETING SYSTEM

1. The clerk's office shall maintain a computerized docketing system which shall be approved by the Court.
2. The system shall be backed up daily.
3. The Court shall review the docketing system procedures periodically, making changes where appropriate and after consultation with the information technology staff and the Clerk/Court Administrator.
4. The clerk's office shall provide a view-only terminal in the public area of the clerk's office for public access and viewing of the Court's docket.

F. COURT MINUTES AND INDEX

The Minutes Book of the Court shall be kept on the docket. The minutes shall be generated by information technology staff on an annual basis or more often if required by the Court. (Everything that goes into the system, that is, the computerized docket, is maintained in an electronic copy by the Court.) See OCGA § 5-6-8.

G. INCLUDING THE DATE ON ALL COMMUNICATIONS

Votes, memos, and other writings involving cases should always be dated by the author of the communication.

H. VOTING ON AND CIRCULATION OF CASES TO THREE AND NINE JUDGES

1. Each case will go to the other two judges on the division for review and initials in the order of his/her seniority on that division. "Seniority" means a case shall circulate to the judges of this Court in order of seniority on the Court.

2. When a judge writes a concurrence or dissent or memo, he/she shall return the case to the authoring judge who shall cross out all signatures and recirculate. The author of the majority is responsible for recirculating with every new writing.
3. If one of the judges on the panel writes a dissent, the case must be returned to the judge to whom the case is assigned, and circulated or recirculated to the other judge on the panel. The assigned judge then marks it "Whole Court Nine" and circulates it to all judges of the two divisions immediately following the original panel, in the order set forth on the "Show Voting Path" link in the docketing system. The prevailing judge (who receives a majority of the votes) will disseminate the case, correcting the judgment line on the last page of the opinion to include those concurring and those dissenting. If an opinion has no majority, a decision shall be issued: (1) by the judge with the most votes; or (2) in the event judges are tied for the most votes, by the tied judge who was originally assigned the case (or if none) by the senior tied judge.
4. If a judge writes a special concurrence, it is not necessary to circulate to the Whole Court Nine unless it is otherwise a whole court nine case.
5. If a judge concurs specially and also concurs fully in the proposed majority opinion, and the third judge on the panel joins with the special concurrence, the proposed majority opinion will remain the majority opinion. If a judge concurs specially but does not concur fully in the proposed majority, and the third judge on the panel joins in the special concurrence, the case shall be transferred to the judge who authored the special concurrence, who will then author the majority opinion, and the case will circulate as if assigned to that judge originally.
6. A vote of two to one is sufficient to impose a penalty on appeals deemed frivolous. A dissent shall not cause the issue of frivolous appeals to go Whole Court Nine.

I. VOTING ON AND CIRCULATION OF CASES TO FIFTEEN JUDGES

1. Cases shall be referred to the Whole Court Fifteen in two circumstances:
 - a. All cases which involve one or more questions which, in the opinion of the majority of the judges of the division or of the three divisions to which a case is assigned, should be passed upon by all members of the Court, then these questions may be presented to all members of the Court; if a majority of all the members of the Court decide (after all members of the Court have an opportunity to review the recommendation) that the question or questions involved should, in their judgment and discretion, be decided by all the members of the Court, the case shall be passed upon by all members of the Court, provided that a majority of the judges passing upon the case concur in the judgment. (See OCGA § 15-3-1(c)). The judge proposing to refer the case to Whole Court Fifteen should prepare a memo explaining his/her rationale.

Whole Court Fifteen cases under this subsection should be circulated in the order set forth on the "Show Voting Page" link in the docketing system.

- b. All cases which involve the overruling of a prior decision of the Court of Appeals.
- (1) When either a majority or dissenting opinion seeks to overrule a prior decision, the author of the opinion overruling the prior decision should designate at the top of the opinion each case proposed to be overruled. The judge proposing to overrule a prior decision should prepare a memo explaining his/her rationale.
 - (2) If a judge who participated in that opinion is still on the Court, the overruling opinion should be circulated first to the author of that opinion, and then to the other judges on the panel of the case being overruled, if they are still on the Court, even before the opinion goes to the overruling author's panel members.
 - (3) After the opinion has been circulated to the author of the opinion being overruled, and the other members of that panel, if the author of the overruling opinion holds to his/her decision to overrule a prior decision, the case shall be circulated, first to the author's panel and then to all Judges on the Court.
 - (4) This procedure should be used whenever the opinion uses the words "overrule," "disapprove," "disavow," and/or "reject."
 - (5) If the decision on a Motion for Reconsideration would result in the overruling of a prior case, then the Motion for Reconsideration should be circulated to all the judges of the Court in the manner as described above.
2. In no event shall a case be voted on by more than 15 judges of the Court.
3. A quorum is required when all members of the Court are sitting together. OCGA § 15-3-1. Effective January 1, 2016, eight judges constitute a quorum.

J. CHANGE FROM WHOLE COURT NINE OR WHOLE COURT FIFTEEN CASE BACK TO PANEL CASE

If after a case becomes a Whole Court Nine case, the original dissenter agrees with the panel or otherwise withdraws his/her written dissent, the case shall again become a panel case unless there is some other reason for it to remain a Whole Court Nine case. If a dissenter withdraws his/her dissent either for the original opinion or on motion for reconsideration, he/she must have the concurrence of any member outside of the panel who joined the dissent or who has separately dissented.

If after a case becomes a Whole Court Fifteen case, the judge proposing to overrule a prior opinion of this Court decides not to overrule the prior case, the case shall again become a panel case unless there is some other reason for it to remain a Whole Court Fifteen case. If the judge proposing to overrule a prior opinion of this Court decides it is unnecessary to do so, either for the original opinion or on motion for reconsideration, he/she must have the concurrence of any member outside the panel who voted to overrule the prior case.

K. DISSEMINATING CASES

1. After all the voting judges have initialed the draft and it is returned to the assigned judge, the assigned judge's office shall prepare the final opinion, and electronically deliver it to the clerk's and reporter's offices. The clerk's office provides a paper copy to the reporter's office for distribution. If there are any dissents or special concurrences, they also must be collected and assembled behind the majority opinion before dissemination of the case. The judgment line must be changed to reflect any dissents or special concurrences.
2. Opinions shall be released in any case whenever ready and in conformity with OCGA § 15-2-4 (c), but not before oral argument or the last date upon which oral argument may be requested.
3. In unanimous cases involving security risks where the opinion represents the voice of the Court, the judgment lines may disseminate as "Division Per Curiam, All Judges Concur." The Court should not issue a per curiam opinion simply because there is no majority.

L. PROCESSING OF OPINIONS

1. It is the duty of each judge to complete a draft of the opinion on all his or her assigned cases within thirty (30) days prior to the distress date.
2. It is the duty of every judge to give his/her prompt attention to an opinion prepared by another judge. This duty results not only from common judicial courtesy but from the necessity of processing cases with reasonable diligence in view of the workload of the Court. **THE REVIEW OF OPINIONS PREPARED BY OTHER JUDGES SHALL HAVE FIRST PRIORITY OVER THE PREPARATION OF OPINIONS IN CASES ASSIGNED TO THE REVIEWING JUDGE.** Opinions shall be reviewed and acted upon in the following order of priority:
 - a. Whole Court -- Distress.
 - b. Division -- Distress.
 - c. Cases assigned to author judge – Distress
 - d. Whole Court -- Non-Distress.
 - e. Division -- Non-Distress.
 - f. Cases assigned to author judge -- Non-Distress.
3. Items 1 and 2 above are not fixed rules but guidelines which, when reasonably possible, will be followed.
4. A judge is encouraged to alert the other panel members as soon as he/she realizes that a case may be complex or difficult or could draw a dissent.
5. During the thirty (30) days prior to distress, judges are encouraged to conference cases where there may be a dissent.
6. During the thirty (30) days prior to distress, notice of a possible dissent and copies of the finalized dissent should be provided to all affected judges as soon as possible.

7. If the Supreme Court overrules one of the Court's opinions, every judge who participated in the original decision must sign off on the new opinion adopting the Supreme Court opinion.

M. MOTIONS FOR RECONSIDERATION

1. When a motion for reconsideration is docketed, the judges who voted on the original decision will vote on the motion for reconsideration.
2. If the motion for reconsideration is granted and ~~if~~ the judgment changes, an order granting the motion for reconsideration shall go out and the new opinion shall issue.
3. The Clerk/Court Administrator shall not refuse to accept tardy motions for reconsideration. Generally, untimely motions for reconsideration will be dismissed; however, the judge to whom the case is assigned may take into consideration the reasons for the untimeliness. Whenever there is a disagreement on an untimely motion for reconsideration concerning whether the motion for reconsideration should be denied or dismissed, a majority of the judges who voted on the original opinion will control. See Rule 37(b) regarding timeliness of MFRs.
4. Second motions for reconsideration will be dismissed if a motion for permission to file the second motion for reconsideration has not been filed and granted.
5. If there is a dissent on reconsideration, the normal rules of dissent will control.
6. When an opinion is changed or an opinion is substituted, the date of the opinion will remain the same except when the judgment line is changed.
7. After the time for the motion for reconsideration has expired in any case, or an order denying the motion has been entered, the opinion may not be recalled from the Reporter's Office except to make editorial changes therein.
8. If, due to extraordinary circumstances, a judge decides to recall an opinion during the MFR period, the vote of one judge is sufficient. This practice, however, is not encouraged.

N. ASSIGNMENT OF CASES

1. Cases are assigned on a strict automatic rotation basis, except for associated cases. There shall be two wheels for direct appeals: civil and criminal. There shall be two wheels for applications: interlocutory and discretionary. Each judge shall receive, as nearly as possible, an equal number of civil direct appeals and criminal direct appeals throughout the docket year. Each judge shall receive, as nearly as possible, an equal number of interlocutory and discretionary applications throughout the year.
2. Separate appeals by joint defendants shall be assigned to the same judge.
3. When there is a pending appeal, any subsequent associated appeal or application will be assigned to the same judge as the pending appeal. If a judge disputes that cases are "associated," the judge will consult with the Clerk/Court Administrator. If the judge and the Clerk/Court Administrator cannot resolve the dispute, the Vice Chief will determine whether the cases are associated.

If such a companion appeal or application is assigned by the wheel to another judge because of clerical error in the clerk's office, or because the attorneys failed to use the appropriate lower

court case number, then the case will be reassigned to the judge who was assigned the main case, when the docketing error is discovered, so long as the main case is still pending in this Court.

Associated cases that are transferred from one judge to another will normally not get a reciprocal case. The docket will automatically even out the number of cases assigned to all the judges based upon future docketing during the current docketing year. However, in the event the associated case is from a previous docketing year the judge receiving the case will need to reciprocate. In that event, the reciprocal case assignment will use the same process as a recusal. Every attempt should be made to reciprocate using a case from the same docketing year.

Cases are designated “associated” to foster judicial economy as there will be some similarities between the cases that may make the resolution more efficient. The Clerk/Court Administrator’s office will designate the following types of cases as associated: cases that have the same lower court case number, cross appeals, companion cases, cases that arise through the same or similar facts, cases having many of the same parties, and other factors that may result in judicial economy. While such designation may not always result in judicial economy, the Clerk/Court Administrator’s office will err on the side of designating cases as “associated” when the above criteria appear to exist. Often associated cases are identified in chambers or in the Clerk/Court Administrator’s office after docketing. In these instances, the concerned judges will decide whether the case will be transferred between them.

Once the remittitur is issued on a case, any later filed case that appears to be associated with that prior case will not be assigned to the judge who was assigned the case prior case. (Note that the docket will use the term “related” to designate a case in which the remittitur has been issued and a later docketed case appears to be associated with that case.)

4. The authoring judge can decide whether to request supplemental briefs from the parties.

O. PUBLICATION

1. Opinions of the Court of Appeals are released to the reporter’s office on the date of decision. These opinions are transmitted electronically to the official Publisher and to subscribers at the end of that same day. Opinions are published in the official Advance Sheets in chronological order. In cases where a motion for reconsideration has been filed, the date of the final disposition of the motion is the applicable date. The reporter’s office confirms that there are no outstanding motions for reconsideration before publication in the Advance Sheets. Publication is not delayed by the filing of a notice of intent to apply for certiorari. An application for certiorari is noted in the Advance Sheets at the end of the opinion after the date of decision.
2. The full text of opinions may be published by a commercial publishing house before reconsideration, so long as publication includes notice that the opinion is subject to reconsideration and so long as changes on reconsideration are also published promptly.
3. Criteria for Publication.

The following criteria shall be considered by panels of this Court in determining whether an opinion will be designated for publication in the Georgia Appeals Reports:

- a. Whether the Supreme Court has reversed a published opinion of this Court, and whether this Court is issuing any written opinion written upon remand;

- b. whether it is a Whole Court Nine or Whole Court Fifteen opinion, in which case it shall be published;
- c. whether it establishes a new rule of law, or alters or modifies an existing rule of law, or applies an established rule of law to a novel fact situation;
- d. whether it creates or resolves a conflict of authority between panels within the Court;
- e. whether it is accompanied by a concurring opinion;
- f. whether it reverses the decision below, unless:
 - (i) the reversal is caused by an intervening change in law or fact, or
 - (ii) the reversal is a remand without further comment to the trial court of a case reversed or remanded by the Supreme Court.

An opinion shall be published if a majority of the panel deciding the case designates the opinion for publication after consideration of the foregoing criteria. Provided, however, that the author of any opinion, whether a majority opinion, a concurring opinion, or a dissenting opinion, may designate that such opinion be published, and in the event of such designation, the Clerk/Court Administrator shall cause the entire decision to be published.

P. ORDERS

1. Judges shall draw draft their own orders except for routine standard orders. Orders shall be voted on as provided in Appendix 5 (Checklist for Orders Disposing of Motions). The Clerk/Court Administrator shall receive the orders from the judge or judges and the chambers of the assigned judge shall provide the vote of the judges to the Clerk/Court Administrator. Such orders or directions shall be maintained by the clerk's office in a suitable format according to the Court's Retention Schedule.
2. Orders shall be released whenever ready. See OCGA § 15-2-4 (c).
3. Before an order of dismissal is issued by the Court for a late-filed appellant's brief, the following procedure will be followed:
 - a. When the appellant's brief becomes overdue, the Clerk/Court Administrator will send an order to the parties stating that the appeal will be dismissed if the appellant fails to file a brief within the next ten (10) business days.
 - b. If the appellant does not file a brief as instructed in 3(a), the Clerk/Court Administrator will send a draft dismissal order to the panel to whom the case is assigned. In an expedited fashion, the panel will decide whether to issue the order dismissing the appeal.

This procedure has been adopted by the Court to create uniformity among panels.

3. See also Part XV, Section Q, Dismissal of Appeal – Disagreement of Panel.

Q. REMANDING A CASE

1. If the Court must remand a case for any reason the order or opinion remanding the case shall express with specificity and clarity the purpose of the remand and, if appropriate, any limitation to the scope of the remand set out in the order or opinion and instructions to the parties or trial court clerk on how to get the case back to the Court for docketing. The authoring Judge should notify the Clerk of this Court to retain the record in any case when it is anticipated that the case will be returned to this Court.
2. A judge's office shall determine whether a missing record is already with the Court or with a previous appeal before remanding the case for completion of the record. If the record is not with the Court, a judge's office shall check with the clerk's office to ascertain if the missing portion of the record can be brought to the Court or sent to the clerk's office as a supplemental record without incurring inordinate delay.

R. DISMISSAL OF APPEAL - DISAGREEMENT OF PANEL

Should the vote either on a Motion to Dismiss an Appeal or an order of dismissal drafted by the assigned judge result in a two to one vote for dismissal, the judge disagreeing with the dismissal shall write a memorandum explaining the reasons for his or her disagreement. The Motion to Dismiss, if there is one, the draft order of dismissal and the memorandum will be shown to the judge to whom the case is assigned and to the other judge who has already voted and then it must be marked "Whole Court" and circulated to the remainder of the nine-judge panel for a vote. The majority of the nine-judge panel will determine the vote on the case. Any judge who desires to write a dissent to the order may do so but the order will not be converted to an opinion and published without the agreement of a majority of the voting judges.

If the order of dismissal is approved by a majority of the judges voting, it will be issued without the names of the judges voting and their vote, but the vote will be maintained as a part of the case file until the case file is recycled.

S. TRANSFERS TO AND FROM THE SUPREME COURT

1. From the Court of Appeals to the Supreme Court
 - a. A case shall be transferred from the Court of Appeals to the Supreme Court when (a) jurisdiction lies in the Supreme Court rather than this Court or (b) there is an equal division of all the judges of this Court when sitting as a body to decide a case. Ga. Constit. of 1983, Art. VI, Sec. V, Par. V.

To determine whether there is an equal division, see Rodriguez v. State, 295 Ga. 362 (2014). The assigned judge will prepare the transfer order tracking the language of the statute. The order will make clear that there is no opinion of the Court but that the various opinions of the various judges are attached. Both the Supreme Court and the parties will receive a copy of the transfer order with the attachments.

- b. The assigned central staff attorney shall draft the order of transfer when jurisdiction is proper in the Supreme Court unless the judge decides to prepare his/her own order.
 - c. A remittitur is not issued when a case is transferred to the Supreme Court.

2. From the Supreme Court to the Court of Appeals
 - a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is docketed in this Court. The briefing schedule is controlled by Rules 22 and 23.
 - b. The Clerk/Court Administrator shall send a special notice to the parties in such cases explaining the briefing schedule and oral argument procedures with the docketing notice.

T. HOW AND WHEN TO EXTEND THE COURT'S TERM

In the unique situation that occurs when a judgment line changes on a motion for reconsideration at the end of the MFR distress period, and when this Court determines that fairness to the parties warrants a brief extension of its term for that one case, this Court shall request permission from the Supreme Court to extend this Court's term only for that one case and only for the shortest period necessary.

U. EXPEDITING CASES

The Court shall expedite the following types of cases under statutory authority:

1. Cases "[w]here a defendant in a criminal case is confined in jail pending appeal," OCGA § 5-6-43 (c), and where a juvenile adjudicated delinquent is confined pending appeal.
2. Cases involving parent/child relations, i.e., child custody and visitation, child deprivation, and orders terminating parental rights. Further, OCGA § 19-9-94 provides a statutory basis for expediting appeals taken from orders in proceedings under the Georgia Child Custody Intrastate Jurisdiction Act. OCGA § 19-9-20 et seq.
3. Cases in which the state is one of the plaintiffs. OCGA § 9-10-1.
4. Appeals from orders certifying or refusing to certify a class. OCGA § 9-11-23 (g).
5. Appeals from orders denying appeal bond in criminal cases.
6. Appeals from orders denying supersedeas bond in civil cases.
7. Appeals filed under the Parental Notification Act, OCGA §§ 15-11-680 et seq.; OCGA § 15-11-684 (e); Court of Appeals Rule 45.

In Parental Notification Act cases which have very short and strict deadlines, the clerk's office shall immediately notify all members of the panel that such a case has been filed, not just the judge to whom the case has been assigned.

8. Appeals from orders granting or denying commitment of a patient with active tuberculosis. OCGA § 31-14-8.2.

9. Appeals from orders involving involuntary hospitalization for mental illness. OCGA § 37-3-150.
10. Appeals involving the "habilitation of the developmentally disabled" under OCGA § 37-4-1 et seq. OCGA § 37-4-110.
11. Appeals involving the treatment of alcohol and drug dependency governed under OCGA § 37-7-1 et seq.; OCGA § 37-7-150.
12. Appeals from orders granting or denying challenges to an order entered by the Governor during a state of emergency as authorized under OCGA § 38-3-51.
13. Appeals from the "trial of a public lawsuit [as defined by OCGA § 50-15-1].
14. The Court also has the inherent power to grant motions for expedited treatment for good cause. *Shore v. Shore*, 253 Ga. 183(1984), *Stuckey v. Richardson*, 188 Ga. App. 147 (1988).
15. OCGA § 38-3-64 (a) provides that "[a]ny person whose rights or interests are adversely affected by an order declaring the existence of a judicial emergency or any modification or extension of such an order shall be entitled to appeal." OCGA § 38-3-64 (c) provides that "[t]he appeal shall be heard immediately by the Georgia Court of Appeals under the procedure of emergency motions. A party dissatisfied by the judgment of the Georgia Court of Appeals may appeal as a matter of right to the Georgia Supreme Court. Filing fees for these appeals shall be waived. All costs of court shall be borne by the state. Appeals shall be heard expeditiously." See also Rule 40(b).
16. Court of Appeals Rule 30 provides in part that one of the valid rationales for granting an interlocutory appeal is where "[t]he order appears erroneous and will probably cause a substantial error at trial or will adversely affect the rights of the appealing party until entry of final judgment in which case the appeal will be expedited." Rule 30 (a) (2).

V. ATTACHING COPIES OF FOREIGN OR UNPUBLISHED AUTHORITIES

When an opinion cites an authority not available on Westlaw or Lexis, the citing judge should attach a copy of it to the circulating case.

W. REVISED OPINION

When an opinion is revised after circulation, the revised opinion should be marked "Revised" or whatever is appropriate, advising the reader that he/she may have seen the case before but not the changes made in the opinion. All revisions in the text should be separately marked to alert the reader to the specific nature of each revision.

X. BRIEFS

When the Rules of this Court are not complied with, any member of the panel may initiate through the assigned judge, a request for a corrected brief which shall comply with the Rules. If the parties fail to comply, see Rule 7; but also see OCGA §§ 5-6-30, 5-6-48; *Felix v. State*, 271 Ga. 534 (1999).

Y. FORMAT

1. An opinion shall be double-spaced when the opinion goes to the clerk's office for distribution.
2. Margins shall be justified.
3. If a drafter uses "held," only the "H" will be capitalized.
4. "In the Court of Appeals of Georgia" will appear from the left margin and shall not be centered or capitalized. The judge's name, title, and the case name shall be capitalized.
5. When opinions are released, they will not bear the judge's personal number or the words "affirmed or reversed" at the top of the first page, but the Court's short number will appear. The judge's personal number and the words "affirmed or reversed" will appear only for circulating purposes.

Z. WITHDRAWAL OF APPEAL

An order granting permission to withdraw an appeal will not be issued unless all motions are ruled on, are withdrawn, or are moot. A cross-appeal will remain pending unless an order to withdraw it is also sought.

VI. CERTIFIED QUESTIONS

- A. Whenever a judge of this Court wishes to certify a question to the Supreme Court of Georgia, that question shall be circulated to all fifteen judges. See Ga. Const., Art. VI, Sec. V, ¶ IV and Rule 46 of the Supreme Court of Georgia. But see *Lawrence v. State*, 268 Ga. 420 (1997) (when the answer to a certified question would constitute the decision in the main case, the Supreme Court will decline to answer the question). A majority vote of the fifteen judges shall prevail.
- B. Whenever a party files a motion requesting the Court to certify a question to the Supreme Court of Georgia, that question will be circulated to the panel for a vote if the assigned judge denies the motion. If the panel members all vote to deny the motion, an order will be so issued. If any member of the panel votes to grant the motion, the motion shall be considered by a nine-judge court. If a majority of the nine-judge court determines the question should not be certified to the Supreme Court, then the motion will be denied unless a judge of the Court requests all fifteen judges to vote on the issue. Then a majority vote of the fifteen judges shall prevail.

XVII. OPINION CONTENT

A. WHEN NOT TO USE INDIVIDUALS' NAMES IN OPINIONS

1. In juvenile, adoption, and termination of parental rights cases, neither the names of the parents nor that of the child will be included in the opinions.
2. Caution should be employed before using the names of judges, law enforcement officers, informants, and crime victims.

B. RECOMMENDED ROUTINE OPINIONS

The use of these recommendations, which were adopted in principle, is left to the sole discretion of each judge.

1. Misdemeanor Criminal Cases

This being a misdemeanor case and in the opinion of this Court without precedential value and not involving unique facts, the same is affirmed under Rule 36 of this Court.

2. Felony Criminal Cases

This Court should consider simply stating that one or more enumerations of error are without merit. Nonpublication is also an option. A Rule 36 opinion should not be utilized.

3. Discretionary and Interlocutory Applications If Improvidently Granted

The application for discretionary/interlocutory appeal having been improvidently granted, this appeal is dismissed.

4. Rule 36 in Civil Cases

For civil cases, see Rule 36 for available grounds.

C. OPINION AND ASSIGNED DIVISION

Each opinion shall be marked with the division number and the names of the judges serving on the panel that decided the case. In the event that a judge assigned to a case is disqualified or recused, then the opinion will be made to reflect the panel of judges which actually decided the case including the judge assigned to the case to replace the disqualified or recused judge.

D. JUDGMENT LINES

Proposed, suggested, and approved judgment lines should be used whenever possible to maintain uniformity. Examples of such standard judgment lines and when they are used are found in Appendix 3. See also the Reporter's Style Manual. In the event of a dispute about the judgment line, the panel should first consult with the Reporter's Office. However, the judgment line will be determined by the author of the majority opinion.

XVIII. PROTOCOL ON DISQUALIFICATION AND RECUSAL OF JUDGES

A. A JUDGE'S RECUSAL SUA SPONTE

Notwithstanding anything set forth herein, a judge has the option of recusing sua sponte.

B. MOTIONS TO RECUSE OR DISQUALIFY

When a motion to recuse or disqualify a judge from a particular case is filed, the following protocol shall be used:

1. Whenever a judge is presented with a motion to recuse or disqualify, accompanied by an affidavit, the judge shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming the facts in the affidavit are true, whether disqualification is warranted.
2. If it is found that the motion is timely, the affidavit sufficient, and the recusal or disqualification would be authorized if some or all of the facts set forth in the affidavit are true, the judge shall report that fact to the Chief Judge, who shall assign the remaining members of that judge's panel and the Presiding Judge of the next division to pass on the motion to recuse or disqualify. Otherwise, the judge can deny the motion.
3. If the three judges assigned to decide the motion find that sufficient facts are presented which would authorize the recusal or disqualification of the judge from the case, the assigned judges shall so notify, by memorandum, the Chief Judge and the judge against whom the motion was filed.
4. In the event of recusal or disqualification, the Chief Judge shall notify the clerk's office, and the clerk's office shall assign another judge to the matter according to the protocol on recusal/disqualification of judges.
5. If the assigned judges find there are insufficient facts before the Court to authorize a recusal or disqualification of the judge against whom the motion is filed, that fact shall be made known to the Chief Judge by memorandum with a copy to the judge against whom the motion was filed. If the three assigned judges cannot agree, the issue will be decided by a majority of all of the judges on the Court excluding the judge against who the motion was filed.
6. Whether the judge against whom the motion was filed is or is not disqualified or does or does not recuse, an order shall issue from the clerk's office granting or denying the motion, as appropriate.
7. If the Chief Judge is the judge against whom the motion to recuse or disqualify is filed, then the Vice Chief shall serve instead, pursuant to the procedures set forth herein.

C. PROCEDURE FOLLOWING DISQUALIFICATIONS OR RECUSALS

Whenever a judge disqualifies or recuses himself/herself, that judge shall notify the clerk's office by memorandum with a copy to the other judges of the disqualification/recusal and that the case is to be transferred to another judge. If the case is to be reassigned, all records, transcripts, exhibits, briefs, motions, etc. are to be attached and given to the Clerk/Court Administrator. The procedures for transfer shall be as follows.

1. The clerk's office will assign a new judge from the wheel whenever a judge recuses or is disqualified. The docket system is programmed to randomly choose another judge from the judges not assigned to the division to which the recused or disqualified judge is assigned when the clerk's office selects "assign from the wheel."
2. If the transfer designated a new authoring judge, that new judge's office shall within 24 hours select up to three (3) cases roughly equivalent in difficulty that are assigned that judge's office from the same term. The recusing judge will select one of these selected cases. Any disputes between the two judges will be resolved by the Chief Judge; however, the judges involved in the dispute may request mediation assistance from the Clerk/Court Administrator before involving the Chief Judge. Once the recusing judge has selected a case, the clerk's office will properly reassign the new case to the disqualified or recused judge as reciprocation so as to balance the docket wheel. If the recusal occurs near the end of the term and there is no similar case available, a similar case from the next term may be selected.
3. A civil direct appeal shall be identified for reciprocation for the transfer of a civil appeal. A criminal direct appeal shall be identified for reciprocation for the transfer of a criminal appeal.
4. There shall be no reciprocation for cases transferred for voting purposes only.
5. The clerk's office shall prepare a memorandum and an order of transfer indicating the transfer is due to disqualification and recusal or an order of transfer for reciprocation.
6. For each case reassigned, the Clerk/Court Administrator shall change the judge and color code on the record; and deliver the record, transcript, exhibits, motions, briefs etc. to the newly assigned judge. The Clerk/Court Administrator's memorandum shall also notify the newly assigned judge whether oral argument has been scheduled or a request is pending and shall list all pending motions.

7. If a judge is disqualified or recuses himself or herself from the decision on an application, a new judge will be assigned the application in the same manner as a new judge when a judge recuses on a direct appeal. The Court will not issue an order announcing the changed assignment since the application docketing notice does not list the judges assigned to the application. The recusing judge should alert the central staff attorney assigned to the application of the recusal.

XIX. CONTEMPT PROCEDURES

A. INITIATION OF PROCEEDINGS

1. If any division member believes that the conduct of an attorney or public official may be contemptuous, that judge shall prepare a show cause order specifying the conduct at issue and the rules, statutes, or other standards claimed to have been violated.
2. The proposed order shall be circulated within the division and a unanimous vote shall be final. If not unanimous, the order shall be circulated to the whole court nine for further consideration and final vote with names shall be shown but no written dissent shall be published.

B. SERVICE

The show cause order shall be served by certified mail, return receipt requested.

C. CONTEMNOR'S RESPONSE

The order shall give the option to the contemnor to respond at an oral hearing or by the filing of a sworn affidavit. The date of said hearing or date for filing said affidavit shall be set by the Presiding Judge of the division from which the order issues.

D. HEARING

If a sworn affidavit is not filed by the date specified, the Clerk/Court Administrator shall schedule a hearing and shall make arrangements for a court reporter to record the proceedings. It shall be the Court's option to cast the costs of takedown and transcription upon the contemnor.

E. FILING

Filing for purposes of this rule shall mean received in the clerk's office of this Court, and the contemnor shall be so informed.

F. DECISION

1. Following the hearing or receipt of the affidavit, the initiating judge shall prepare a written order, including findings of fact and conclusions of law based upon the record before the Court. The beyond a reasonable doubt standard shall be applied if the order imposes punitive measures.
2. The proposed order shall be circulated within the division and a unanimous vote shall be final. If not unanimous, the order shall be circulated to all judges on the Court for further consideration and the final vote with names shall be shown but no written dissent shall be published.
3. No motion for reconsideration shall be allowed.

G. PUNISHMENT

The Court may impose punitive and/or remedial measures in consequence of a finding of contempt. Punitive measures may include a fine of up to \$2,500; a public reprimand, to be included in the official reporter; a private reprimand, issued in order form to the contemnor; temporary or permanent suspension from the bar of this Court. Remedial measures may include suspension from the bar of this Court until any order of this Court is obeyed. This Court can also make use of any other remedies provided to it by law.

H. NOTICE TO STATE BAR

In any case in which an order finding contempt is entered, the Clerk/Court Administrator of this Court shall forward the record of such proceeding to the Disciplinary Board of the State Bar of Georgia.

I. CONTEMPT FINES, MONETARY SANCTIONS, AND DAMAGES FOR FRIVOLOUS APPEALS

1. Whenever the Court enters an order finding any party or attorney in contempt, and assessing a fine for contempt, or whenever the Court awards damages for a frivolous appeal or any other monetary sanctions, the Court shall issue an order, separate and apart from the opinion, specifically stating what monetary damages are assessed against which attorney and/or which party and to whom the monetary damages should be paid.
2. Any such orders on contempt, frivolous appeals or monetary sanctions shall be flagged and copies of such orders shall be sent to the Clerk/Court Administrator, and the Clerk/Court Administrator shall follow-up on the matter and ascertain that the Court's orders are being followed.

XX. PURCHASING POLICY

- A. The Court of Appeals shall purchase such books, pamphlets, or other publications and such other supplies and services as the judges thereof may deem necessary. See OCGA § 15-3-12.
- B. The Court may pay basic State Bar dues for judges, staff attorneys, and the Clerk/Court Administrator.
- C. The Court, as selected by the Chief Judge, may send two staff attorneys per year to the Council of Appellate Staff Attorneys annual meeting and reimburse for expenses.
- D. The annual National Association for Court Management regular membership dues for the Clerk/Court Administrator may be paid from court funds.
- E. When a new Chief Judge is sworn in to the Court, the Court shall make a Whole Court photograph of all of the judges and each judge's office shall be entitled to a framed copy of the Whole Court photograph not to exceed 16"x20". Each new judge coming on the Court will be entitled to six (6) portrait shots, not to exceed 5"x7", to be paid for by the Court, and to be used in conjunction with Court business, such as use in the Court History, the Georgia Appeals Reports, publicity photos and the like. A new Whole Court photograph will be made to reflect the composition of the Court when a new judge comes on the Court.

XXI. CONFIDENTIALITY

The work of each judge with his/her staff shall remain confidential with that staff unless expressly authorized by the judge and then may be shared only to the extent permitted by the rules or policies of the Court or otherwise provided by state or federal law.

XXII. EN BANC MEETINGS

- A. The Court of Appeals will hold en banc meetings as called by the Chief Judge, by written memorandum, or by a majority of the judges on the Court by written memorandum. The regular banc sessions shall be held notwithstanding that additional special en banc meetings may be set by the Chief Judge. No en banc meetings shall interfere with the setting of oral arguments.

The regular administrative en banc meeting shall be held on the third Wednesday of each month, at a time directed by the Chief Judge.

- B. A quorum of eight judges is necessary for the holding of en banc meetings. An affirmative vote of eight judges will always be necessary in passing or adopting any motion, resolution or official action of the Court.
- C. All motions or resolutions acted upon or other official actions taken in en banc meetings shall be reduced to writing and entered upon the minutes, indicating thereupon how each judge voted. The vote of each judge shall be cast by him/her in person while attending the en banc meeting and not otherwise. A judge unable to attend an en banc meeting may vote by notifying the Chief Judge of his/her vote.
- D. The Clerk/Court Administrator shall serve as the secretary of the Court for the purpose of effectuating this rule.

XXIII. RECORD RETENTION AND RECYCLING/DESTRUCTION

Except as provided in Rule 21, the Court does not receive any original trial court rulings, evidence, exhibits or other records relating to trial court proceedings; the trial court maintains the original records. Records received by the Court are duplicate copies of the trial court records that are received directly from the lower-court clerk's office. Except as provided in Rule 21, records are maintained in the clerk's office for a certain amount of time, and then they are recycled/destroyed. The following describes how long a record will be maintained by the Court.

A. DIRECT APPEALS

For all direct appeals, the Court will maintain the record and/or transcripts of all direct appeals for a period of one year after the remittitur date unless one or more of the parties notifies the Court, in writing, to maintain the record for an additional six months, and the reason therefore. The requesting party must send an additional request fourteen days before the expiration of each six-month period to avoid the record being destroyed. No party will receive any notice that the record is being destroyed except for the notice contained on the Notice of Remittitur.

B. APPLICATIONS FOR DISCRETIONARY/INTERLOCUTORY APPEAL

Applications for discretionary/interlocutory appeal are retained for a period of one year after the Court decides to deny, withdraw, or dismiss the application. Any application that is granted is maintained in the Court and is recycled at the same time the resulting direct appeal is recycled.

If the application is transferred to the Supreme Court, the entire case is transferred to the Supreme Court and our Court will not keep a copy.

C. RECORD ON CERTIORARI TO THE GEORGIA SUPREME COURT

When a case is returned from the Supreme Court (a writ of certiorari either granted or denied) the record will be held for one year and then will be returned to the Supreme Court.

D. SEALED RECORDS

Sealed records will be shredded according to the Court of Appeals' destruction schedule. If there are any original documents in the record, those will be returned to the lower court with a note informing them that the record is sealed.

E. HOLD RECORDS

The Court will maintain the record and/or transcript in all cases for a period of one year after the remittitur date unless one or more of the parties notifies the Court, in writing, to maintain the record for an additional six months, and the reasons therefor. The requesting party must send an additional request fourteen days before the expiration of each six-month period to avoid the record being destroyed. The parties will receive this notice with the remittitur but no other notice before the record is destroyed. For all direct and discretionary/interlocutory appeals, the Court will preserve the briefs, orders, motions for reconsideration, opinions, substitute or new opinions, docketing notices, judgments of the Court, remitturs, and other documents on some format that will be available for inspection at either the clerk's office or at the Georgia Department of Archives.

Prior to records and transcripts being destroyed, the clerk's office will return any original documents and/or evidence that was submitted to the Court from the lower court.

F. EMERGENCY MOTIONS

Emergency motion records will be kept for a period of two years. After that time, they will be destroyed. For each emergency motion, the Court will maintain a copy of a docket sheet (either hard copy or electronic) and all Court orders (either hard copy or electronic) related to the motion.

XXIV. INCLEMENT WEATHER

- A. The Court will be kept open to the extent possible.
- B. The Chief Judge shall make the determination whether the Court shall close during inclement weather.
- C. The clerks's office will be kept open to the extent possible.
- D. The Chief Judge will decide if the clerk's office should remain open and when and whether the clerk's office staff should report. The Clerk/Court Administrator will decide whether an announcement should be made on the radio and on television.
- E. Each judge controls his/her own staff. It is within the discretion of each judge to decide if weather conditions warrant his/her employees' absence without being charged leave.
- F. While recognizing the independence of the Judicial Branch of Government, if the Governor announces that State offices will be closed because of inclement weather, the Court will likewise close its offices.
- G. Court closings or late openings shall be broadcast, as feasible, on local radio and television stations and through other appropriate means.

XXV. USE OF STATE COURT RESOURCES

PUBLIC SERVICE IS A PUBLIC TRUST.

- A. An employee has a duty to protect and conserve Court property and shall not use such property, or allow its use, for other than authorized purposes. There are circumstances when an employee may properly use Court property or official time for activities other than the performance of the official duties of the employee's position.

- B. **Official Time.** Employees shall use official time in an honest effort to perform official duties.

- C. **Public Office for Private Gain.** An employee shall not use their position or Court employment for their own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated. Specific prohibitions include that an employee may not:
 - 1. Use or permit to be used their Court position or title or authority associated with their public office in a manner that could reasonably be construed to imply that this Court sanctions or endorses their personal activities or those of another.

 - 2. Endorse any product, service, or enterprise except as statutorily authorized.

- D. **Nonpublic information.** Information gained through Court employment that the employee knows or should know is unavailable publicly may not be used in financial transactions, or to further private interest. Confidential Court information must not be disclosed outside the Court without authorization.

- E. **Subordinates.** An employee shall not encourage, direct, coerce or request a subordinate to use official time to perform personal services for them or activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

- F. **Communication Systems.** Court communication systems and equipment (including Court-owned cell and land-line telephones, facsimile machines, electronic mail, internet systems and other systems when the Court pays for use) shall be for official use and authorized purposes only. Unauthorized uses include causing congestion on the network by such things as the propagation of chain letters, junk emails and broadcasting inappropriate messages to groups or individuals; using government systems for political

lobbying; using the Court postage meter for personal mail; and using the system for commercial or personal financial gain. Personal communications from the workplace are allowed that are most reasonably made while at the workplace when such communications:

- (a) Do not adversely affect official duty performance;
 - (b) Are of reasonable duration and frequency, and, whenever possible, made during personal time (such as, after duty hours or lunch breaks);
 - (c) Serve a legitimate public interest (such as, keeping employees at their desks, quickly handling a personal issue that would otherwise cause the employee to miss work, checking in with spouse or minor children, scheduling personal appointments, brief internet searches, e-mailing directions to visiting relatives, etc.)
 - (d) Do not reflect adversely on the Court; and
 - (e) Do not overburden the communication system and create no significant additional costs to the State (including long distance telephone charges).
- G. Personal Cell phones and Other Wireless Devices. These may not be used at work during duty hours to view videos, play games, or to engage in lengthy conversations.

XXVI. SPACE ALLOCATIONS

Space allocated to each judge's office shall remain with that office. There shall be space succession and not succession of persons. However, judges may make arrangements with other judges to trade (temporarily) offices outside of chambers which have been allocated to those judges. Significant consideration should be given to senior staff attorneys who have been in their offices for long periods. Before a judge moves, the Chief Judge will do an analysis of the cost of the move as well as the effect on staff attorneys.

The Clerk/Court Administrator will determine the amount of space available for interns and divide the number of offices among the judges. In order for a judge to obtain space in addition to what he/she has been allocated, the judge must get space from another judge who is not using his/her full allocation.

INTERNAL OPERATIONS MANUAL

(Revised October 15, 2015)

APPENDICES

APPENDIX 1	Request for Transfer of Property/Equipment
APPENDIX 2	Guidelines for Judgment Lines
APPENDIX 3	Court-Related Dues
APPENDIX 4	Checklist for Orders Disposing of Motions
APPENDIX 5	Courtroom Diagram Depicting Portrait Positions

APPENDIX 1:

REQUEST FOR TRANSFER OF PROPERTY/EQUIPMENT

COURT OF APPEALS OF GEORGIA

PROPERTY RELOCATION & TRANSFER FORM

INVENTORY CHANGE:

RELOCATION WITHIN AGENCY

OTHER

MARK APPROPRIATE BOX

TRANSFER TO ANOTHER AGENCY

DECAL TAG #

ITEM DESCRIPTION:

MODEL #

SERIAL #

CURRENT LOCATION:

BUILDING

ROOM #

CURRENT CUSTODIAN/
EMPLOYEE:

ASSIGNED TO

TRANSFERRED TO:

NEW LOCATION

BUILDING

ROOM #

NEW CUSTODIAN/
EMPLOYEE:

ASSIGNED TO

OTHER:

NEW DECAL #, ETC.

APPROVAL FROM
CURRENT ASSIGNED

JUDGE/CLERK/DIRECTOR

DATE

APPROVAL &
ACKNOWLEDGMENT OF
RECEIPT OF INVENTORY

JUDGE/CLERK/DIRECTOR

DATE

CHANGES MADE

FISCAL OFFICE

DATE

APPENDIX 2:
GUIDELINES FOR
JUDGMENT LINES

GUIDELINES FOR JUDGMENT LINES

There are two aspects of a judgment line which should be considered in every case: (a) the actual disposition of the case and (b) the vote of the judges.

I.

First, in determining the actual disposition of the case, the body of the opinion should be studied carefully before formulating the judgment line. The following are the more frequently occurring disposition lines:

(a) Judgment(s) affirmed. Be careful to ascertain whether there are actually multiple judgments before using the plural. Also, do not automatically use the singular every time. Generally, a single order awarding relief in favor of one party or the other would call for the singular. The most frequent use of the plural will occur when the court affirms the grant of one side's motion for summary judgment and also affirms the denial of the cross-appeal. However, there are other variations and again the case must be looked at carefully.

(b) Judgment affirmed in part and reversed in part. In using this disposition line, it is important to remember that it only relates to the judgment of the trial court and not its rulings or analysis. In other words, if the "right for any reason rule" is being used, the disposition line would simply be "judgment affirmed" although the body of the opinion would have rejected the trial court's analysis. A common correct use of this judgment line would be where the court affirms the grant of a motion for directed verdict on liability in favor of one party, but reverses the damage award. Another common example would be where a compensatory damage award is affirmed, but a punitive damage award is reversed. A permissible variation in the last example would be "judgment affirmed in part and vacated in part." It is also important to bear in mind that

the judgment line needs to be accurate, but not necessarily fully descriptive. One needs to read the body of the opinion with the judgment line. If the judgment line contains too much explanation, it becomes unwieldy.

(c) Judgment affirmed with direction. This judgment line is used when the court affirms fully a part of a judgment, but directs the trial court to amend it in some way. A good example is where attorney's fees were improperly awarded. The court would affirm the judgment in favor of the winning party with direction that the attorney's fees award be vacated. Although some judges may still "affirm on condition," it is better to give direction and, thus, finality. This would also commonly be used when the court is affirming the judgment in favor of the appellee and adding a penalty or statutory damages.

(d) Judgment reversed and case remanded (with direction). This judgment line will be used where the opinion directs specific future proceedings. Although, technically, a reversal of a judgment which will result in a new trial could carry this judgment line, this form is more commonly used where the court finds the judgment erroneous and remands the case for the trial court to enter an order not inconsistent with the opinion. There are several variations of this such as "judgment vacated and case remanded." Please note that the most common error appearing in the opinions of both courts is the following: "judgment reversed and remanded". The judgment is never "remanded," only the case.

(e) Judgment of conviction affirmed, sentence reversed or vacated. While some judges may still use judgment affirmed in part and reversed in part for the conviction/sentence scenario; the better practice is to separate the two in the judgment line.

(f) Appeal dismissed. This judgment line is usually self-explanatory and most frequently occurs in the following circumstances:

- (1) when there was a direct appeal without interlocutory or discretionary procedures being followed,
- (2) the notice of appeal was untimely, or
- (3) the case has become moot.

The above list is not all inclusive and there are many permissible variations. It is important to analyze the opinion in each case before crafting the judgment line.

II.

After the disposition part of the judgment line has been formulated, the votes of judges should be indicated as follows:

(a) Judges who fully concur will be shown in the following order: the Chief Judge listed first, then Presiding Judges in order of seniority, and finally the remaining judges listed in order of seniority.

(b) After full concurrences, any judge who writes and concurs and also concurs specially should be listed. The reason this one is next is that the "full concurrence" gives precedential value to the opinion notwithstanding the special concurrence portion.

(c) Next would come judges who concur in judgment only. In this connection, in a multi-division opinion, judges should be encouraged to rob the opinion of precedential value only to the extent necessary. In other words, if there is only one division of an opinion in which a judge cannot join, it should be specified as follows: "Andrews, P. J. , concurs in Divisions 1, 2, 4 and 5 and in the judgment only in Division 3. It is better than stating that the judge "concur in the judgment only as to Division 3." Accounting for all divisions in the judgment line provides clarity.

(d) Next will follow the judges who concur in part and dissent in part. Opinions must be carefully analyzed to be sure that the judge is really dissenting in part. A frequent misuse of this

term occurs when a judge agrees with the bottom line, but disagrees with the reasoning. That is not a concur in part and dissent in part. If a judge agrees with the result and what is going to happen to the case by virtue of that result, he or she does not dissent in part. Rather, such an opinion is probably a special concurrence.

III.

Finally, it is important to realize that all of the above information deals with the judgment line on the majority opinion. That judgment line does not give details as to who joins with whom or whether there is a separate dissent or concurrence. In other words, in a case where three judges write separate dissenting opinions, the judgment line will still simply list all three in order of seniority as "dissenting." The separate opinions, concurrences or dissents, show who joins with whom. In other words, if Chief Judge Doyle writes a dissent and Judges Boggs and Branch join her, she would state: "I am authorized to state that Judges Boggs and Branch join in this dissent." If a judge writes so as to concur in part and dissent in part, it is less awkward to state at the end: "I am authorized to state that Judges Boggs and Branch join in this opinion," rather than state that they join in "this concurrence in part and dissent in part."

There are a lot of variations to all of the above. If any judge has a question about a judgment line, he or she should check with the Chief Judge before the opinion is taken to the clerk's office.

APPENDIX 3:
COURT-RELATED DUES

STATE OF GEORGIA

FULTON COUNTY

CERTIFICATE
COURT-RELATED DUES

I HEREBY CERTIFY that I am a member of the following organization (or that I am joining said organization) _____,
and I hereby authorize payment of membership dues in the amount of \$_____, on
my behalf and that said expenditure is court-related.

This ____ day of _____, 20____.

Judge, Court of Appeals of Georgia

APPENDIX 4:

CHECKLIST FOR ORDERS

DISPOSING OF MOTIONS

Checklist: Orders Disposing of Motions

Type of Order	Authority for Order		NOTES
	Assigned Judge	All Three Judges	
Appeal Bonds/Supersedeas (Consider or Decide)	✓		
Application for Appeal - MFR	✓ (Grant)	✓ (Deny/Dismiss)	
Application for Appeal-Transfer to Supreme Court	✓		
Application for Appeal	✓ (Grant)	✓ (Deny/Dismiss)	
Brief - Amend	✓		
Brief/Reply-Grant/Deny Extension	✓		
Brief-Contemporaneously Filed	✓		
Brief-Contempt/Show Cause for Failure to File		✓	
Brief-Direct Appellant to File	✓		
Brief-File Supplemental Brief	✓		
Brief-Grant Extension to File	✓		
Brief-Leave to Exceed Page Limit	✓		
Brief-Leave to Adopt Brief in Previous Case	✓		

Type of Order	Authority for Order		NOTES
	Assigned Judge	All Three Judges	
Brief-Recast	✓		
Brief-Strike Supplemental Brief	✓		
Consolidate - Motion to	✓		
Courtesy Appearance	✓		
Dismiss Case - Grant/Deny		✓	
Emergency Motions	✓		
Expedite Disposition	✓		
Frivolous Appeal		✓	
MFR - Case Dismissal Order or Opinion (Untimely Filed-Remittitur Already Mailed)	✓		
MFR -Case Dismissal Order-Grant/Deny (Timely/Untimely - No Remittitur)		✓	If opinion was whole court, 7 or 12, the MFR order must circulate to all judges who voted on the opinion or order.
MFR- Permission to File 2nd MFR	✓		
MFR-Extension to File	✓		
MFR-Opinion-Grant/Deny (Timely/Untimely)		✓	If opinion was whole court, 7 or 12, the MFR order must circulate to all judges who voted on the opinion.

Type of Order	Authority for Order		NOTES
	Assigned Judge	All Three Judges	
MFR-Order-Grant/Deny (Procedural Orders/Non Case Terminating)	✓		
Moot a Motion	✓		
Oral Argument-Additional Time to Argue	✓		
Oral Argument-Grant	✓		
Oral Argument-Deny		✓	
Oral Argument-Change Calendar Date	✓		
Oral Argument-Out of Time Request to Argue/Untimely	✓		
Record Request from Lower Court, i.e. transcript, CD, DVD, etc.	✓		
Remand to Trial Court		✓	
Remittitur-Recall	✓		
Remittitur-Stay	✓		
Sanctions		✓	
Seal, To	✓		
Stay Decision	✓		The Court will deny the stay or grant an extension.

Type of Order	Authority for Order		NOTES
	Assigned Judge	All Three Judges	
Strike-Motion	✓		
Supplemental Record - Order to File	✓		
Supreme Court/Certification of question		✓	The IOM states that the panel will vote whether to send the issue to the whole court and the whole court determines whether a certified question is sent to the Supreme Court of Georgia.
Transfer to Supreme Court	✓		
Withdrawal of Counsel	✓		
Withdrawal of Party	✓		
Withdrawal of Appeal	✓		

Judges shall draft their own orders except for standard orders. The Clerk shall receive the orders from the judge or judges and the chambers of the assigned judge shall provide the vote of the judges to the Clerk's office in a suitable format according to the Court's retention schedule.

APPENDIX 5:

COURTROOM DIAGRAM DEPICTING PORTRAIT POSITIONS

